Protocols for Handling Child Abuse and Neglect In Child Care Services

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Alberta
CHILDREN'S SERVICES
Child Care Resources

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GLOSSARY

CFSAs: refers to Child and Family Services Authorities which oversee the delivery of services to children and families in 18 geographic regions throughout Alberta. Services include child welfare, day care, family violence prevention services, services for children with disabilities, early intervention programs, and family mediation services. CFSAs are agents of the Crown of Alberta.

Child Welfare Act:

is the legislated authority for child protection services in Alberta. The Act is based on a set of beliefs about children, families and communities and how they relate to each other.

Child Welfare Worker:

refers to the CFSA or First Nations agency staff person appointed to provide child protection or investigations under the *Child Welfare Act*.

Day Care Facilities:

refers to nursery schools, day care centres, and drop-in centres.

Approved Family Day Home:

refers to child care for preschool children provided in the private residence of a caregiver referred to as a "provider". Family Day Home Agencies operate under an agreement with the Child and Family Services Authority in their area who set standards for the type of care provided. Providers operate under the terms of a contract with an agency.

Responding to Child Abuse - A Handbook:

publication by the Government of Alberta (a joint collaboration of the Departments of Health and Wellness, Learning, Justice and Attorney General, and Children's Services) to guide adults reporting and investigating child abuse and neglect. The Handbook is available on the Government Website at www.gov.ab.ca/cs/initiatives/child_abuse_hndbk.pdf.

PROTOCOLS FOR HANDLING
CHILD ABUSE AND NEGLECT IN CHILD CARE SERVICES

1. INTRODUCTION/PURPOSE

Children depend on others for their safety and well-being and have a right to be protected from abuse and neglect. Caregivers who respond to child abuse and neglect must understand the problem so responses are better coordinated and more effective. These guidelines are for the use of caregivers in day care centres, approved family day homes, nursery schools, and drop-in centres.

These guidelines describe the responsibility of people who report abuse and neglect and the role of Child Welfare and Police in investigating reports. Information about recognizing child abuse and neglect is on page 4 HOW DO YOU RECOGNIZE CHILD ABUSE AND NEGLECT?

The guiding principle is the safety and well-being of the child. The question to ask is "Are there reasonable and probable grounds to believe a child is at risk?" Wherever there is doubt, you must discuss your concerns with a child welfare worker even if there are no concrete signs or physical evidence of abuse or neglect. The child welfare worker can help determine whether a report is necessary. Once the report is made, child welfare workers will determine what should be done.

While reporting suspected child abuse is a sensitive and difficult issue, the *Child Welfare Act* is designed to protect children because they are unable to protect themselves. Child welfare workers' preferred choice is to support the parents to be able to protect their children. Parents have the primary responsibility to protect children, but when parents fail to do so, child welfare workers intervene on behalf of the child.

Under the provision of the *Child Welfare Act*, any person who suspects a child may be abused or neglected by the parent/guardian has a legal obligation to report the matter immediately to a child welfare worker.

The *Child Welfare Act* states:

> ***"(2) For the purposes of this Act, a child is in need of protective services if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:***
>
> ***(a) the child has been abandoned or lost;***
>
> ***(b) the guardian of the child is dead and the child has no other guardian;***
>
> ***(c) the guardian of the child is unable or unwilling to provide the child with necessities of life, including failing to obtain for the child or to permit the child to receive essential medical, surgical or other remedial treatment that has been recommended by a physician;***

(d) the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;

(e) the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;

(f) the child has been emotionally injured by the guardian of the child;

(g) the guardian of the child is unable or unwilling to protect the child from emotional injury;

(h) the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment;

(i) the condition or behaviour of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs.

(3) For the purposes of this Act,

(a) a child is emotionally injured

(i) if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by a mental or behavioural disorder, including anxiety, depression, withdrawal, aggression or delayed development and

(ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of

(A) rejection

(B) deprivation of affection or cognitive stimulation

(C) exposure to domestic violence or severe domestic disharmony

(D) inappropriate criticism, threats, humiliation, accusations or expectations of or towards the child, or

(E) the mental or emotional condition of the guardian of the child or chronic alcohol or drug abuse by anyone living in the same residence as the child;

(b) a child is physically injured if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other bony injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;

(c) a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities."

The name of a person who reports pursuant to the *Child Welfare Act* shall not be disclosed or communicated to any person without the consent in writing of the Minister of Children's Services.

The *Child Welfare Act* provides that when any person makes a report to Child Welfare, no action can be taken against the person unless the reporting was done maliciously or without reasonable or probable grounds.

Anyone failing to report suspected child abuse by the parent/guardian while having "reasonable and probable grounds to believe a child is in need of protective services" is guilty of an offence and liable to a fine. The legal obligation is not fulfilled unless the report is made directly to a child welfare director or delegated child welfare worker. This must occur even if it is known that child welfare is already involved.

2. HOW DO YOU RECOGNIZE CHILD ABUSE AND NEGLECT?

Understanding what child abuse and neglect are, and knowing how to take appropriate action, are critical to ensure the safety and well-being of children. Child abuse and neglect take many forms. "Abuse" can mean actively hurting a child or depriving the child of affection and acceptance. "Neglect" means failing to take proper care of a child. Abuse and neglect can range from constantly humiliating a child, to denying the nurturing the child needs, from hard shaking or slapping, to the sexual abuse of a child. It also means doing nothing to stop abuse or neglect from happening - in other words, "permitting" abuse is considered to be causing a child to need protective services.

Your first indication that a child may be in need of protective services may be your observation of the relationship between the parent/guardian or caregiver and child. If you "sense" something is wrong, trust your instincts. Do not over-react, but do watch the situation closely.

Look for indicators listed in this section. If you have any information from a child, parent/guardian or caregiver that might lead you to believe that a child may be abused or neglected, contact a child welfare worker.

Child abuse and neglect fall into four basic categories: physical, sexual, emotional and neglect. The form of the maltreatment in a particular case may be a single form of abuse or a combination of abuse and neglect.

If under any circumstances, a child tells you that he or she is being abused or neglected, believe the child and take action!

Remember to write down any information you have related to the suspicions: physical signs, conversations you had with the parent/guardian, caregiver or child, the date, time and any other details. Keep your recordings confidentially secure and separate from other records.

The following are possible indicators of child abuse. While they might indicate abuse, they might also indicate other problems. By themselves, they don't prove abuse but do indicate a need for attention. This list does not cover all factors since each situation is unique. In some situations of apparent abuse, the damage might be the result of an incident.

In any given situation, the abuse and neglect may be of one specific type or may be a combination of several of the types described.

If you have doubt, call the child welfare worker and discuss the situation without initially providing names. Decide with the child welfare worker whether to make a report.

Neglect

Neglect is failure to provide a child with the necessities of life, including failure to obtain needed medical, surgical or other treatment.

Neglect is not always obvious. It can affect the child's maturation process and can have serious, long-term psychological effects.

INDICATORS OF NEGLECT

The Child may:	**The Adult** may:
• be underweight, dehydrated, emaciated or have a distended stomach • show improvement of developmental delays following proper stimulation and care • demonstrate signs of deprivation: cradle cap, severe diaper rash, diarrhea, vomiting, anemia, recurring respiratory problems • be consistently dirty or dressed inappropriately for weather, or wear torn clothing • often be hungry or thirsty • often be tired or listless • demand much physical contact and attention • assume role of parent or adult in the family • lack proper medical and dental care • have poor hygiene • have unattended medical or dental problems such as infected sores, decayed teeth, lack of needed glasses	• maintain a chaotic home life with little evidence of personal care routines • not supervise child for long periods of time or not supervise when child is involved in potentially dangerous activity • leave child in the care of inappropriate persons • give child inappropriate food, drink, medicine • consistently bring child early and pick up late • be apathetic towards child's progress, hard to reach by phone and fail to keep appointments to discuss child and concerns • overwork or exploit child • show evidence of apathy, feelings of futility

Physical Abuse

Physical abuse is an intentional, substantial and observable injury to a child.

Children often explain injuries by attributing them to accidents in play or sibling conflict. If you have any doubt, call a child welfare worker for help in deciding whether to make a report.

INDICATORS OF PHYSICAL ABUSE

The Child	**The Adult** may:
The physical signs might include: • unexplained (or poorly explained) bruises and welts • a number of scars in a regular pattern • bruises of varying colours in the shape of an object (cord, rope, belt, buckle, clothes hanger) • bald spots or missing teeth • human bite marks • unexplained burns; for example, - cigarette-shaped burns - immersion burns; e.g., glove-shaped, sock-shaped - electric iron or burner-shaped burns • unexplained (or poorly explained) fractures, sprains, dislocations or head injuries) • inflamed tissue suggesting scalding • consumed a poisonous, corrosive or non-medial, mind-altering substance The child may: • be wary of physical contact with adults • seem afraid of parent or other person • be frightened in the face of adult disapproval • be apprehensive when other children cry • show extremes of behaviour - aggressive/ withdrawn • be over-anxious to please • approach any adult including strangers • be defensive about injuries • have low self-esteem • wear clothing that covers body even though the weather is warm • not tolerate physical contact or touch • run away often • be unable to form good peer relationships • be reluctant to undress when others are around	• be angry, impatient, frequently lose or almost lose control • appear unconcerned about child's condition • view child as bad or as the cause of life's problems • resist discussion of child's condition or family situation • view questions with suspicion • use discipline inappropriate to child's age, condition and situation • offer illogical, contradictory, unconvincing or no explanation of injuries • show poor understanding of normal child development (for example, may expect adult-like, mature behaviour from a young child)

Sexual Abuse

Sexual abuse is inappropriate exposure or subjection to sexual contact, activity or behaviour. Sexual abuse might show itself in a broad range of indicators. Although these indicators might reveal sexual abuse, they might also reveal other psychological or physical trauma.

Disclosure

The single most important indicator is a child telling someone about the abuse. The disclosure might be direct or indirect. Children commonly delay telling anyone about chronic or even acute sexual abuse. All disclosures should be taken seriously.

INDICATORS OF SEXUAL ABUSE

The Child	**The Adult** may:
Physical evidence of sexual abuse is rare. Often with young children, abuse is not intercourse but touching, which may leave no physical signs. Where physical evidence is present it may be: • torn, stained or bloody clothing • pain or itching in genital area or throat, difficulty going to bathroom or swallowing • bruises, bleeding or swelling of genital, rectal or anal areas • vaginal odour or discharge • stomach aches, headaches or other psychosomatic complaints The child may: • use language and make drawings that are sexually explicit • fantasize excessively • show fear of closed spaces • resist undressing or diaper changes • masturbate excessively • exhibit seductive behaviour • express premature or inappropriate understanding of sexual behaviour • display inappropriate unusual or aggressive sexual behaviour with peers or toys • be excessively curious about sexual matters or genitalia of others or self • wet pants (in a previously trained child) • soil pants • have eating disturbances (over-eating or under-eating) • have fears/compulsive behaviour • have school problems or significant changes in school performance • display age-inappropriate behaviour, pseudo-maturity or regressive behaviour, such as bed-wetting and thumb-sucking • be unable to concentrate • have sleep disturbances, such as nightmares, fear of falling asleep and sleeping long hours	• often be domineering but emotionally weak • suggest or indicate marital or relationship difficulties with adults • indicate own social isolation, loneliness, especially as a single parent • cling to child, both physically and emotionally; hold and touch the child in an inappropriate way • tend to blame others for life's problems and child's sexual behaviour - may even accuse child of causing sexual abuse

Emotional Abuse

Emotional abuse is the substantial and observable impairment of a child's mental or emotional functioning that is caused by:

- rejection
- deprivation of affection and/or cognitive stimulation
- exposure to domestic violence or severe domestic disharmony
- inappropriate criticism, threats, humiliation, accusations or expectations
- the mental or emotional condition of a parent/guardian
- chronic alcohol or drug abuse by anyone living in the child's home

INDICATORS OF EMOTIONAL ABUSE

The Child	**The Adult** may:
Child's appearance may not indicate or suggest the extent of the difficulty. The child may appear clean, well groomed and well nourished. Child's facial expression and body carriage may indicate sadness, depression, timidity or held-back anger. The child may: • appear overly compliant, passive, shy • show episodes of very aggressive, demanding and angry behaviour • fear failure, have trouble concentrating or learning and give up easily • be either boastful or negative about self • constantly apologize • cry without provocation • be excessively demanding of adult attention	• blame or belittle child in public and at home • withhold comfort when child is frightened or distressed • treat other children in the family differently and better, showing more acceptance and love, and less criticism • tend to describe child in negative ways: "stupid," "bad," "trouble-maker;" and predict failure for child • hold child responsible for parent's difficulties and disappointments • identify child with disliked relatives

3. WHAT TO DO WHEN YOU SUSPECT CHILD ABUSE OR NEGLECT?

a) If you suspect a child may be abused or neglected by the parent/guardian:

The *Child Welfare Act* addresses only abuse caused or allowed by the child's parent/ guardian. Your responsibility is set out in law. The *Child Welfare Act* requires every person who has reason to believe, and believes, that a child has been, or there is substantial risk that he or she will be abused or neglected by a parent/guardian, or might need protection, to promptly report the matter to a child welfare worker. Child welfare workers draw their authority from the *Child Welfare Act* which states that a child (anyone under 18 years of age) is in need of protective services if there are reasonable and probable grounds to believe the child's survival, security or development is endangered by the action or inaction of the parent/guardian.

If you suspect a child may be abused or neglected by the parent/guardian, you must report immediately by calling:

your local Child and Family Services Authority (Child Welfare) at (insert phone number)_____

or the Child Abuse Hotline at 1-800-387-5437.

- You must report to Child Welfare regardless of how the information was obtained and regardless of advice or direction not to report. Do not notify the child's parent/guardian. You must report directly to the child welfare worker.
- Child welfare workers designated to receive reports are trained to investigate and assess the need for intervention.
- Everyone other than a child welfare worker or police officer who receives a disclosure of child abuse from a child should refrain from interviewing the child.
- When the parent/guardian is the alleged perpetrator, the child welfare worker cannot provide details of the investigation. However, the child welfare worker should be able to give you information that you may need to know to continue to provide child care services to the child.
- If the child is not in need of protective services but the family members indicate there are problems with which they would like help, the child welfare worker may

assist in obtaining services from an appropriate community agency. If the child is in need of protective services, the child welfare worker has a range of service options from which to choose. These options include: referral of the child and family to an appropriate community service, direct provision of services to the child and family; entering into an agreement with the parents to remove the child form the home temporarily; seeking a court order to apprehend the child; or apprehending the child because of immediate and substantial risk.

- After the investigation, the child welfare worker **should** inform the person who made the initial report whether or not an investigation was conducted and why. This information must be general to maintain confidentiality.

b) **If you suspect that the abuse or neglect may be caused by someone other than the parent/guardian:**

The *Criminal Code of Canada* sets out all criminal offences, the penalty for committing them and the procedures for dealing with people accused of committing them. Children under the age of 12 cannot be charged with a criminal offence.

Some offences committed against children fall under the *Criminal Code of Canada*. They include: physical assault, sexual assault or other sexual offences, abandoning a child and failing to provide the necessities of life. Police are responsible for conducting an investigation and deciding whether there are grounds to lay charges. Charges can also be laid under the *Child Welfare Act* and the *Protection of Children Involved in Prostitution Act*.

If you suspect that a child may be abused by someone other than the parent/guardian, the Police should be called directly to investigate. The telephone number of the police in your area is (insert phone number)_____.

- Once you report to the police, contact your local CFSA (Day Care) if the alleged abuse occurred in a day care facility or approved family day home. The police are responsible for conducting the investigation; however, if they have concerns about the protection needs of the child by the parent/guardian, they may ask Child Welfare to become involved.

- If the abuse occurred in a day care facility or approved family day home, the CFSA (Day Care) will contact the police to determine the status of the investigation. Depending on the information received from the police, the CFSA (Day Care) may conduct a further investigation to determine the appropriate

course of action with respect to suspension of service in a day care facility or approved family day home, closure of a day care facility or approved family day home, and notification of parents of other children. The CFSA (Day Care) is also advised to consult with other appropriate CFSA Child Welfare staff.

- If the child welfare worker is contacted by a person who has information where the alleged perpetrator is not the parent/guardian, the child welfare worker will advise the contacting person to inform the parent/guardian and to make a report to the police. The child welfare worker will also contact the police to ensure a report was received. If the abuse occurred in a day care facility or approved family day home, the child welfare worker will also advise the CFSA (Day Care) that Child Welfare was contacted and the information was forwarded to the police.

- Everyone other than a police officer or a child welfare worker who receives a disclosure of child abuse from a child should refrain from interviewing the child.

Police Involvement

In addition to their criminal responsibilities, police may provide protection services under three pieces of legislation:

- Under the *Child Welfare Act*, a police officer may apprehend a child whose life or health is seriously or imminently endangered.

- Under the *Protection of Children Involved in Prostitution Act*, a police officer may apprehend a child who is engaging in or attempting to engage in prostitution.

- Under the *Protection Against Family Violence Act*, a police officer may obtain an order to remove the alleged abuser or a warrant to assist the alleged victim in a situation of family violence.

If you are uncertain about whether to report, or who to contact (Child Welfare or the Police), call a child welfare worker. It is not up to you to determine whether your observations are sufficient evidence for an investigation. The responsibility for investigating reports of child abuse or neglect rests with the Child Welfare Worker and/or the Police.

4. HOW DO YOU TALK TO A CHILD?

If a child discloses abuse to you, do not probe for details. Listen to the information provided and record it as soon a possible in the child's own words. Be supportive and let the child know it is right to tell someone.

Here are some suggestions for talking to a child about abuse. It is important to be a good listener and avoid probing the child for information.

Do:	**Don't:**
✓ find a private, quiet place to listen ✓ listen in a calm, non-judgemental manner ✓ reassure the child that it is right to tell ✓ assure the child that what happened was not his or her fault ✓ acknowledge the child's feelings ✓ say "I'll try to help" ✓ write down what you heard and saw: - as soon as possible - quoting the child's words as much as possible - using words that describe things you can see or hear - keeping your notes and information confidential and secure	× interrupt the child's story × promise to keep disclosure confidential × ask leading questions × show horror or anger × conduct your own investigation × provide opinions or judgements × promise the child what the next steps will be × promise that things will get better

5. WHAT DO YOU REPORT?

If you think there is a reason to be concerned about a child, you will need to provide the details of the disclosure and as much of the following information as possible:

- your name
- your telephone number
- your relationship to the child and how long you've known the child
- whether the child or family know you are reporting
- the child's name
- the child's sex
- the child's birth date
- the child's address
- the child's telephone number
- the child care program or approved family day home and current location and school program if in one
- whether the child is Aboriginal and, if so, whether the child belongs to an Aboriginal community
- the name, address, telephone number of the alleged perpetrator, if known, and other information which may assist in locating or identifying that person
- the name, address, telephone number of and workplace of the parent/guardian
- if the child disclosed it:
  - when and where the abuse took place
  - how long the abuse has been going on
  - whether the situation has worsened
  - current location of the abuser or parent/guardian
- your own observations or other indicators of abuse (see page 4 "HOW DO YOU RECOGNIZE CHILD ABUSE AND NEGLECT?")
- full details of the incident or situation which precipitated the report. Be as specific as possible. Make notes on details or events or behaviour that caused concern.
- whether you are aware of any efforts made to resolve the situation, and the results
- the child's condition and any concerns abut the child's immediate safety

- whether you know of other professionals or agencies involved with the family or anyone else who might provide relevant information
- whether you know anything about the situation or alleged perpetrator that might pose a threat to an investigator
- whether you can provide a place in your facility to interview the child
- whether there is any language barrier or disability that would require assistance in communication

6. WHAT IS CONFIDENTIAL?

Once you have made a report to a child welfare worker or to the Police, you should not discuss the incident with the alleged perpetrator.

Information obtained during a child protection investigation by child welfare workers is confidential. This is to protect the child, to provide anonymity to the person who reported and to respect the privacy of the family. Child Welfare records are protected by both the *Freedom of Information and Protection of Privacy Act* and the *Child Welfare Act*. The *Child Welfare Act* protects the identity of the person who reported that a child needs protection services. It may be disclosed only with the Minister's written consent.

If the child welfare worker believes a crime has been committed, the child welfare worker is authorized to disclose information to police who may commence a criminal investigation.

In the course of a criminal investigation, child welfare workers may disclose relevant information to officers involved in the investigation of an offence. Information shared with the police is subject to disclosure to the accused.

Confidentiality and protection of privacy of information which is part of a criminal investigation is determined by the *Criminal Code of Canada* and rules set down in criminal case law. A judge may order the information from the prosecution file, and may make it accessible to the accused.

7. WHAT IS YOUR ROLE IN PREVENTING ABUSE?

You can provide a role model for parents by demonstrating appropriate interaction with children, guiding behaviour, and providing a safe and suitable physical environment.

Child abuse or neglect may be prevented by learning about the child's family and being sensitive to any circumstances in the family or characteristics of the parent or child, which might contribute to child abuse or neglect.

You can help children learn about their bodies and their feelings, without creating fear and suspicion of everyone who touches or speaks to them.

Centres and agencies must check references for employees and providers very carefully. Over- reliance on police security checks fosters a false sense of security because only a small percentage of abusers have previous records.

You must carefully monitor friends or family who may be in a centre or home while children are being cared for. Staff and providers should know that activities such as toileting, diapering and bathing have the potential for abuse to occur or for actions to be misinterpreted, resulting in an accusation of abuse. Therefore, persons other than centre caregivers or providers should not perform these activities.

The primary responsibility for ensuring the safety and well-being of children lies with each child's parents/guardians, however the protection and safety of children is everyone's concern. Where a child's survival, security or development is at risk, the involvement of CHILD WELFARE and/or the POLICE becomes necessary.

The preservation, health and development of children and families should be encouraged and continually supported.

You can become aware of the indicators of child abuse and neglect and these Protocols to aid in the protection of children and support of families in preventing abuse.

It is recommended that you read
"Responding to Child Abuse – A Handbook"

accessible at the Government Website

www.gov.ab.ca/cs/initiatives/child_abuse_hndbk.pdf

For further information and reference (see Glossary).